



Indiana Department of Environmental Management
Office of Air Management
Rule Fact Sheet
April 12, 2001

Emission Reporting
#97-18(APCB) / LSA Document #97-18

Overview

This rulemaking amends the emission reporting rule by adding, modifying and removing definitions to clarify requirements; amending the applicability to include reporting requirements for sources operating under a Federally Enforceable State Operating Permit (FESOP); and requiring the reporting of hazardous air pollutants (HAPs) from major sources of hazardous air pollutants subject to the Title V operating permit program. The rulemaking also includes exemptions for certain groups of smaller sources.

Citations Affected

Amends 326 IAC 2-6.

Affected Persons

Approximately 1500 businesses in Indiana will be affected by this rule. Citizens will benefit from the additional information made available through these changes.

Potential Cost

The cost of additional reporting requirements is being evaluated.

Outreach

All potentially affected businesses, environmental groups, as well as other interested parties, including the Indiana Manufacturer's Association and Indiana Chamber of Commerce, were mailed notice of the proposed rule amendments and public meetings. Public meetings were held in Indianapolis and Goshen in February 2001 to discuss the proposed amendments. Approximately 50 people attended each meeting with much comment provided. A third meeting was held in Indianapolis on March 27, 2001 following completion of the Second Notice of Public Comment Period. This meeting afforded an

opportunity to discuss formal comments received on the proposed amendments.

Background

The emission reporting rule, 326 IAC 2-6, was adopted by the Air Pollution Control Board and became effective in 1993. It requires air emission sources over specified emission thresholds to report their actual emissions of certain pollutants to the department annually. This information is used for air quality planning purposes and is also the basis for fee billing under 326 IAC 2-7. A basic emissions reporting program is required by the federal Clean Air Act.

On November 1, 1997, IDEM published a First Notice of Comment Period in the Indiana Register concerning amendments to the emission reporting rule. In the notice, IDEM identified several issues that were to be addressed in the rulemaking. Those issues included adding definitions to clarify the requirements of the rule, revising existing definitions for clarification and consistency, and adding particulate matter (PM) to the list of pollutants to be reported and used for applicability determinations. IDEM also solicited comment on whether and how the rule should be amended to require the reporting of hazardous air pollutants (HAPs).

Since the publication of the November 1, 1997, First Notice of Comment Period, the emission reporting rule, 326 IAC 2-6, has become subject to the "sunset" statute, IC 13-14-9.5, Expiration and Readoption of Administrative Rules. This statute requires all administrative rules in force on December 31, 1995 to be readopted and effective by January 1, 2002 or they will expire. IDEM is proceeding with these amendments and will fulfill the requirements of the "sunset" statute.

Description of Amendments

The addition, deletion or modification of several definitions is proposed to provide consistency with permit rules, reflect removal of specific reporting requirement, or provide clarity. These changes are based on several years of experience implementing the rule.

Applicability is expanded to include reporting requirements for sources operating under a Federally Enforceable State Operating Permit (FESOP). These are sources with potentially very large emissions that have agreed to limit emissions of those pollutants to no more than 100 tons per year. There are 700 FESOP sources in Indiana and represent a significant portion of the inventory. This requirement will allow IDEM to develop more complete and accurate emissions inventories for air quality planning, air quality modeling and State Implementation Plan (SIP) development purposes. IDEM is also required to submit emissions information to US EPA annually.

Currently, over fifty (50) percent of the FESOP sources in Indiana already provide emissions information on an annual basis because they are located in an ozone nonattainment or maintenance area. The remaining FESOP sources would be required to report emissions every three years based on the county where they are located.

The reporting requirements for FESOPs would be streamlined. FESOP sources would only be required to report those pollutants for which the source has an enforceable limit, and would not be required to report emissions from insignificant and trivial activities (as defined under 325 IAC 2-7), or to report stack parameter and HAP information.

The proposed amendments also include language exempting certain groups of smaller sources from emission reporting such as source specific operating agreements, permits by rule, and registrations.

Finally, the proposed amendments include 58 additional reportable pollutants, all of which are defined as HAP under the Clean Air Act. Rather than including all 188 federally designated HAP, IDEM has used criteria to identify those HAP for which there is the most compelling need. The criteria used included the U. S. EPA Urban Air Toxic Strategy HAP, toxicity weighted HAPs, high volume HAPs reported to the toxic release inventory, monitored HAP, and billable HAP under

the Title V program. This data fills a critical information gap and will be used to supplement other available information as we continue to evaluate the effectiveness of regulatory programs in reducing HAP emissions and as we develop programs and policy to assure maximum protection of public health from exposure to toxic air contaminants. Having complete and accurate emissions information for HAP is necessary to develop an effective and fair public health policy.

IDEM is working through a number of issues with interested parties and will continue to do so before final adoption of this rule.

Consideration of Factors Outlined in Indiana Code 13-14-8-4

Indiana Code 13-14-8-4 requires that in adopting rules and establishing standards, the board shall take into account the following:

- 1) All existing physical conditions and the character of the area affected.
- 2) Past, present, and probable future uses of the area, including the character of the uses of surrounding areas.
- 3) Zoning classifications.
- 4) The nature of the existing air quality or existing water quality, as appropriate.
- 5) Technical feasibility, including the quality conditions that could be reasonably be achieved through coordinated control of all factors affecting the quality.
- 6) Economic reasonableness of measuring or reducing any particular type of pollution.
- 7) The right of all persons to an environment sufficiently uncontaminated as not to be injurious to:
 - (A) human, plant animal, or aquatic life; or
 - (B) the reasonable enjoyment of life and property.

Consistency with Federal Requirements

The amended rules are consistent with federal requirements.

IDEM Contact

Additional information regarding this rulemaking action can be obtained by calling (800) 451-6027 (in Indiana), press 0 and ask for Jean Beauchamp, Rule Development Section, Office of Air Management, (or extension 2-8424) or dial (317) 232-8424.